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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,106	03/10/2004	Joseph M. Asher	069547.0192	5919

5073 7590 03/23/2007
BAKER BOTTS L.L.P.
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DALLAS, TX 75201-2980

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/798,106

Applicant(s)

ASHER ET AL.

Examiner

Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 9-19, 21, 22, 25-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9-19, 21, 22, 25-34 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on 1/8/07 has been entered. By this amendment, claims 4, 7-8, 20, 23-24 and 35 have been canceled and claims 1-3, 5-6, 9-19, 21-22, 25-34 and 36-38 are now pending in the application.

Specification

1. The abstract exceeds 150 words in length. The abstract should be in narrative form and generally limited within the range of 50 to 150 words, since the space provided for the abstract on the computer tape used by the printer is limited.

Claim Objections

2. Claim 33 is objected to because of the following informalities:

In claim 33, line 8, the claimed limitation "particular event" should be corrected to "wagering event".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5-6, 9-19, 21-22 and 25-32 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description

requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation in claims 1 and 17 contains new subject matter. In particular, the specification does not disclose generating a stop bet command such that a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command as claimed in claims 1 and 17. Further, the specification in page 13, lines 27-29 discloses that "If first facility 102 determines that bet 150 was not received prior to issuance of the "stop bet" command 155, then first wagering facility 102 may refuse bet 150". This contradicts with the newly added limitation "a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command". Claims 2-3, 5-6, 9-16, 18, 19, 21-22 and 25-32 are rejected as being dependent on the rejected base claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 33-34 and 36-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, lines 7-9, the claimed limitation "receiving a stop bet

command” and “accepting subsequently received bets on the particular event if transmitted prior to the stop bet command” do not connect or relate with other limitations in claim 33. Further, it is not clear which facility receives a top bet command and which facility accepts the received bets? Further, the limitation “event if transmitted prior to the stop bet command” is ambiguous. It is not clear as if the “each of the plurality bets” in line 5 is transmitted prior to the stop bet command or if the “subsequently received bets” in line 8 is transmitted prior to the stop bet command.

Claims 34 and 36-38 are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 5-6, 9-19, 21-22, 25-34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi et al (US 2001/0047291).**

Claim 1: Garahi discloses a wagering system associated with a first wagering facility, the system communicably coupled with a network. The system comprises a memory (Fig. 2); and a processor coupled to the memory to

receive a first bet on a particular event via the network, the particular event comprising at least one of the wagering events hosted by the first wagering facility (paragraphs 0100-0101). Garahi does not explicitly disclose storing betting odds. However, since Garahi discloses allowing the player to access odds information (paragraph 0108), Garahi inherently discloses storing betting odds in order to allow the player to retrieve and review previous betting odds. Garahi, further, does not explicitly disclose recalculating the betting odds based on both of the first bet and the second bet if the second bet is received within a predetermined period of time, or recalculating the betting odds based on the first bet if the second bet is not received within a predetermined period of time. However, Garahi discloses calculating and updating the betting odds in real-time (paragraphs 0041, 0098 and 0105), Garahi obviously encompasses recalculating the betting odds based on the bets received within a predetermined period of time in order to provide the player the current betting odds. Garahi does not explicitly disclose generating a stop bet command such that a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command. However, Garahi discloses that the system can first determine whether the betting period has closed prior to allowing the player to transmit any more bets (paragraph 0103), if the system determines that the betting period has closed, the system informs the players that the betting for the particular event has closed and the system does not permit the player to make (i.e. submit or transmit) any more bets on that event.

by darkening out the event (paragraphs 0092 and 0101). Since the system just provides a menu with a "send" key prior to the stop bet command (i.e. darkening Race "1"), and accepts bets upon the player press the "send" key, the bets are always received before the stop bet command, Garahi obviously encompasses generating a stop bet command such that a bet transmitted prior to the stop bet command will be accepted (i.e. the system provides a menu with a send key to allow the player to submit bets) even if the bet is received after the stop bet command.

Claim 2: Garahi does not explicitly disclose determining a specific time window between the bets is no more than 15 seconds. However, determining a specific time window between the bets is no more than 15 seconds would have been well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to select a specific time window between the bets in order to control betting volume from the players.

Claim 3: Garahi discloses wherein the processor is operable to communicate the recalculated betting odds to at least one other wagering facility via the network (paragraph 0098).

Claim 5: Garahi discloses communicating the interactive wagering application to the second wagering facility through the network (paragraph 0083), the interactive wagering application controls the second wagering facility through the network to generate a stop bet command to deny (i.e. darkening out the event) subsequent bets on the particular event (paragraph 0092).

Claim 6: since claim 6 discloses the same subject matter as claim 5, refer to discussion in claim 5 above.

Claim 9: Garahi does not explicitly disclose that the processor denies the second bet if the second bet is not transmitted prior to the stop bet command is generated. However, Garahi discloses informing the player that the betting is closed for the race (paragraph 0092), and accepting bets as long as the event is open and denying bets when the event is closed (paragraphs 0105 and 0106), Garahi obviously encompasses teaching the claimed limitation. Garahi, further, discloses that the system can first determine whether the betting period has closed prior to allowing the player to transmit any more bets (paragraph 0103), if the system determines that the betting period has closed, the system informs the players that the betting for the particular event has closed and the system does not permit the player to make (i.e. submit or transmit) any more bets on that event by darkening out the event (paragraphs 0092 and 0101). Since the system just provides a menu with a "send" key prior to the stop bet command (i.e. darkening Race "1"), and accepts bets upon the player press the "send" key, the bets are always received before the stop bet command, Garahi obviously discloses denying the second bet if the second bet is not transmitted prior to the stop bet command is generated.

Claim 10: Garahi discloses providing results of the event (paragraph 0044). Further, communicating the results to a specific device or facility, decrypting a bet which is encrypted, and receiving different bets from different

facilities would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 11: since claim 11 discloses the same subject matter as claim 10, refer to discussion in claim 10 above.

Claim 12: since claim 12 discloses the same subject matter as claim 10, refer to discussion in claim 10 above.

Claim 13: since claim 13 discloses the same subject matter as claim 10, refer to discussion in claim 10 above.

Claim 14: Garahi discloses a pari-mutuel wagering event (paragraph 0009).

Claim 15: Garahi discloses a horse race (paragraph 0028).

Claim 16: Garahi discloses recalculating the betting odds in real-time (paragraph 0098).

Claim 17: since claim 17 discloses the same subject matter as claim 1, refer to discussion in claim 1 above.

Claim 18: since claim 18 discloses the same subject matter as claim 2, refer to discussion in claim 2 above.

Claim 19: since claim 19 discloses the same subject matter as claim 3, refer to discussion in claim 3 above.

Claim 21: since claim 21 discloses the same subject matter as claim 5, refer to discussion in claim 5 above.

Claim 22: since claim 22 discloses the same subject matter as claim 6, refer to discussion in claim 6 above.

Claim 25: since claim 25 discloses the same subject matter as claim 9, refer to discussion in claim 9 above.

Claim 26: since claim 26 discloses the same subject matter as claim 10, refer to discussion in claim 10 above.

Claim 27: since claim 27 discloses the same subject matter as claim 11, refer to discussion in claim 11 above.

Claim 28: since claim 28 discloses the same subject matter as claim 12, refer to discussion in claim 12 above.

Claim 29: since claim 29 discloses the same subject matter as claim 13, refer to discussion in claim 13 above.

Claim 30: since claim 30 discloses the same subject matter as claim 14, refer to discussion in claim 14 above.

Claim 31: since claim 31 discloses the same subject matter as claim 15, refer to discussion in claim 15 above.

Claim 32: since claim 32 discloses the same subject matter as claim 16, refer to discussion in claim 16 above.

Claim 33: since claim 33 discloses the same subject matter as claim 1, refer to discussion in claim 1 above. Further, Garahi discloses receiving at a first wagering facility a plurality of bets on a wagering event and transmitting

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each of the bets individually to the second wagering facility (paragraph 0054), and coupling the wagering facilities through a network (paragraph 0071).

Claim 34: Garahi discloses submitting the bet in real time (paragraph 0101).

Claim 36: since claim 36 discloses the same subject matter as claim 14, refer to discussion in claim 14 above.

Claim 37: since claim 37 discloses the same subject matter as claim 15, refer to discussion in claim 15 above.

Claim 38: since claim 38 discloses the same subject matter as claims 1 and 3, refer to discussion in claims 1 and 3 above.

Response to Arguments

8. Applicant's arguments filed 1/8/07 have been fully considered but they are not persuasive.

The amended abstract submitted on 1/8/07 is not entered because the amended abstract was placed in the REMARKS section. The amended abstract should be placed in the "Amendment to the specification" section. The objection to the abstract is maintained in this office action.

In response to applicant's argument that Garahi does not suggest generating a stop bet command such that a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command. As pointed out in the rejection in claim 1 above, Garahi discloses

that the system can first determine whether the betting period has closed prior to allowing the players to transmit any more bets (paragraph 0103), if the system determines that the betting period has closed, the system informs the players that the betting for the particular event has closed and the system does not permit the player to make (i.e. submit or send or transmit) any more bets on that event by darkening out the event (paragraphs 0092 and 0101). Further, Garahi discloses that the system receives the bet at the time the player presses the send key included in the menu, and the system just only provides the menu with the "send" key prior to the stop bet command (i.e. before darkening Race "1"), therefore the bets are always submitted and received before the stop bet command, Garahi obviously discloses generating a stop bet command such that a bet transmitted prior to the stop bet command will be accepted (i.e. the system provides a menu with a send key to allow the player to submit bets) even if the bet is received after the stop bet command.

In response to applicant's argument in page 11, on claims 2-3 and 5-16, refer to the 35 USC 103(a) rejections above.

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for formal communications; please mark "EXPEDITED PROCEDURE").

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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Date: March 12, 2007



Kim T. Nguyen
Primary Examiner
Art Unit 3714